

REMARKS

This is in response to the Office Action dated September 9, 2004. Claims 1, 54, 137, 155 and 156 are amended to further clarify the recited subject matter, and no claims are added. As a result, claims 1-156 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 2, 3, 31-43, 54-57, 59, 60, 64, 65, 68, 70, 82-95, 137-147 and 151-156 were rejected under 35 USC § 102(e) as being anticipated by Keilman et al. ("Keilman", U.S. Patent No. 6,231,516). Applicant respectfully traverses this rejection for at least the following reasons.

Claims 1-3 and 31-43

Applicant amended claim 1 to further clarify the recited subject matter. Support for the amendment is provided at least at page 9, lines 19-20 of the specification. Applicant is unable to find, among other things, in the cited portions of Keilman a showing or even a fair suggestion of circuitry for providing electrical therapy, as recited in claim 1.

Claims 2-3 and 31-43 depend either directly or indirectly on claim 1, and are believed to be allowable at least for the reasons provided with respect to claim 1.

Reconsideration and allowance of claims 1-3 and 31-43 are respectfully requested.

Claims 54-57, 59, 60, 64, 65, 68, 70 and 82-95

Applicant amended claim 54 to further clarify the recited subject matter. Support for the amendment is provided at least at page 9, lines 19-20 of the specification. Applicant is unable to find, among other things, in the cited portions of Keilman a showing or even a fair suggestion of circuitry for providing electrical therapy, as recited in claim 54.

Claims 55-57, 59, 60, 64, 65, 68, 70 and 82-95 depend either directly or indirectly on claim 54, and are believed to be allowable at least for the reasons provided with respect to claim 54.

Reconsideration and allowance of claims 54-57, 59, 60, 64, 65, 68, 70 and 82-95 are respectfully requested.

Claims 137-147 and 151-154

Applicant amended claim 137 to further clarify the recited subject matter. Support for the amendment is provided at least at page 9, lines 19-20 of the specification. Applicant is unable to find, among other things, in the cited portions of Keilman, a method comprising inserting a device intravascularly into a biosystem, sensing a mechanical parameter using the device and providing electrical therapy using the device, as recited in claim 137. As stated above with respect to independent claim 1, Applicant respectfully submits that Keilman does not disclose or suggest providing electrical therapy using its device.

Claims 138-147 and 151-154 depend either directly or indirectly on claim 137, and are believed to be allowable at least for the reasons provided with respect to claim 137.

Reconsideration and allowance of claims 137-147 and 151-154 are respectfully requested.

Claim 155

Applicant amended claim 155 to further clarify the recited subject matter. Support for the amendment is provided at least at page 9, lines 19-20 of the specification. Applicant is unable to find, among other things, in the cited portions of Keilman, a device including a structure, sensing circuitry including a chemical sensor, and therapy-providing circuitry attached to the structure and adapted to provide electrical therapy to a biosystem, as recited in claim 155. As stated above with respect to independent claim 1, Applicant respectfully submits that Keilman does not disclose or suggest circuitry for providing electrical therapy.

Reconsideration and allowance of claim 155 is respectfully requested.

Claim 156

Applicant amended claim 156 to further clarify the recited subject matter. Support for the amendment is provided at least at page 9, lines 19-20 of the specification. Applicant is unable to find, among other things, in the cited portions of Keilman, a device including a structure, sensing circuitry including a biosensor, and therapy-providing circuitry attached to the structure and adapted to provide electrical therapy to a biosystem, as recited in claim 156. As

stated above with respect to independent claim 1, Applicant respectfully submits that Keilman does not disclose or suggest circuitry for providing electrical therapy.

Reconsideration and allowance of claim 156 is respectfully requested.

§103 Rejection of the Claims

Claims 4, 5, 6, 8, 9, 11-22, 44-48, 58, 63, 66, 67, 72-75, 79-81, 96-112, 114, 115, 117-136 and 148-150 were rejected under 35 USC § 103(a) as being unpatentable over Keilman in view of Cox et al. ("Cox", U.S. Patent No. 6,141,588). Applicant respectfully traverses the rejection for as least the following reasons.

Claims 96-112, 114, 115, and 117-136

With respect to independent claim 96, Applicant is unable to find, among other things, a fair suggestion in either Keilman or Cox, to combine the references to provide a planet and at least one satellite device adapted to communicate with the planet where the satellite device includes a structure, sensing circuitry and therapy-providing circuitry adapted to be chronically placed within a vessel of a biosystem, as recited in claim 96.

Additionally, Applicant is unable to find a suggestion in either Keilman or Cox to combine the endoluminal implant of Keilman with the cardiac stimulation system of Cox. Should the rejection be maintained, Applicant respectfully requests the Examiner to identify portions in the references that suggest the combination of the references.

Claims 97-112, 114, 115, and 117-136 depend either directly or indirectly on claim 96, and are believed to be allowable for the reasons provided with respect to claim 96.

Applicant respectfully requests reconsideration and allowance of claims 96-112, 114, 115, and 117-136.

Claims 4-6, 8-9, 11-22 and 44-48

As stated above with respect to independent claim 1, Applicant respectfully asserts that Keilman does not anticipate the subject matter recited in claim 1 as recited. Applicant respectfully submits that the deficiencies in Keilman discussed above are not overcome by

combination with the cited portions of Cox. Claims 4-6, 8-9, 11-22 and 44-48 depend either directly or indirectly on claim 1, and are believed to be allowable for the reasons provided with respect to claim 1. In addition, Applicant is unable to find a suggestion in either Keilman or Cox to combine the references, and incorporates by reference the remarks made in that regard with respect to independent claim 96 above.

Applicant respectfully requests reconsideration and allowance of claims 4-6, 8-9, 11-22 and 44-48.

Claims 58, 63, 66-67, 72-75 and 79-81

As stated above with respect to independent claim 54, Applicant respectfully asserts that Keilman does not anticipate the subject matter recited in claim 54 as recited. Applicant respectfully submits that the deficiencies in Keilman discussed above are not overcome by combination with the cited portions of Cox. Claims 58, 63, 66-67, 72-75 and 79-81 depend either directly or indirectly on claim 54, and are believed to be allowable for the reasons provided with respect to claim 54. In addition, Applicant is unable to find a suggestion in either Keilman or Cox to combine the references, and incorporates by reference the remarks made in that regard with respect to independent claim 96 above.

Applicant respectfully requests reconsideration and allowance of claims 58, 63, 66-67, 72-75 and 79-81.

Claims 148-150

As stated above with respect to independent claim 137, Applicant respectfully asserts that Keilman does not anticipate the subject matter recited in claim 137. Applicant respectfully submits that the deficiencies in Keilman discussed above are not overcome by combination with the cited portions of Cox. Claims 148-150 depend either directly or indirectly on claim 137, and are believed to be allowable for the reasons provided with respect to claim 137. In addition, Applicant is unable to find a suggestion in either Keilman or Cox to combine the references, and incorporates by reference the remarks made in that regard with respect to independent claim 96 above.

Applicant respectfully requests reconsideration and allowance of claims 148-150.

Claims 7 and 113

Claims 7 and 113 were rejected under 35 USC § 103(a) as being unpatentable over Keilman and Cox and further in view of Chau et al. ("Chau", article entitled "An ultraminiature solid state pressure sensor for a cardiovascular catheter"). Applicant respectfully traverses the rejection for as least the following reasons.

As stated above with respect to independent claim 1, Applicant respectfully asserts that Keilman does not anticipate the subject matter recited in claim 1. Applicant respectfully submits that the deficiencies in Keilman discussed above are not overcome by combination with the cited portions of Cox and Chau. Claim 7 depends indirectly on claim 1, and is believed to be allowable for the reasons provided with respect to claim 1. Additionally, Applicant is unable to find, in any of Keilman, Cox and Chau, a fair suggestion to combine the references to provide the device of claim 7.

As stated above with respect to independent claim 96, Applicant respectfully asserts that the combination of Keilman and Cox does not disclose the subject matter recited in claim 96. Applicant respectfully submits that the deficiencies in Keilman and Cox discussed above are not overcome by combination with the cited portions of Chau. Claim 113 depends indirectly on claim 96, and is believed to be allowable for the reasons provided with respect to claim 96. Additionally, Applicant is unable to find, in any of Keilman, Cox and Chau, a fair suggestion to combine the references to provide the system of claim 113. Should the rejection be maintained, Applicant respectfully requests the Examiner to identify portions in the references that suggest the combination of the references.

Applicant respectfully requests reconsideration and allowance of claims 7 and 113.

Claim 61

Claim 61 was rejected under 35 USC § 103(a) as being unpatentable over Keilman in view of Chau. Applicant respectfully traverses the rejection for as least the following reasons.

As stated above with respect to independent claim 54, Applicant respectfully asserts that Keilman does not anticipate the subject matter recited in claim 54. Applicant respectfully

submits that the deficiencies in Keilman discussed above are not overcome by combination with the cited portions of Chau. Claim 61 depends indirectly on claim 54, and is believed to be allowable for the reasons provided with respect to claim 54. Additionally, Applicant is unable to find, in either Keilman or Chau, a fair suggestion to combine the references to provide the device of claim 61.

Applicant respectfully requests reconsideration and allowance of claim 61.

Claim 10

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over Keilman in view of Dreschel et al. ("Dreschel", U.S. Patent No. 6,645,145). Applicant respectfully traverses the rejection for at least the following reasons.

As stated above with respect to independent claim 1, Applicant respectfully asserts that Keilman does not anticipate the subject matter recited in claim 1. Applicant respectfully submits that the deficiencies in Keilman discussed above are not overcome by combination with the cited portions of Dreschel. Claim 10 depends indirectly on claim 1, and is believed to be allowable for the reasons provided with respect to claim 1. Additionally, Applicant is unable to find, in either Keilman or Dreschel, a fair suggestion to combine the references to provide the device of claim 10. Should the rejection be maintained, Applicant respectfully requests the Examiner to identify portions in the references that suggest the combination of the references.

Applicant respectfully requests reconsideration and allowance of claim 10.

Claims 71 and 116

Claims 71 and 116 were rejected under 35 USC § 103(a) as being unpatentable over Keilman and Cox and further in view of Dreschel. Applicant respectfully traverses the rejection for at least the following reasons.

As stated above with respect to independent claim 54, Applicant respectfully asserts that Keilman does not anticipate the subject matter recited in claim 54. Applicant respectfully submits that the deficiencies in Keilman discussed above are not overcome by combination with the cited portions of Dreschel and Cox. Claim 71 depends directly on claim 54, and is believed

to be allowable for the reasons provided with respect to claim 54. Additionally, Applicant is unable to find, in any of Keilman, Cox and Dreschel, a fair suggestion to combine the references to provide the device of claim 71.

As stated above with respect to independent claim 96, Applicant respectfully asserts that the combination of Keilman and Cox does not disclose the subject matter recited in claim 96. Applicant respectfully submits that the deficiencies in Keilman and Cox discussed above are not overcome by combination with the cited portions of Dreschel. Claim 116 depends indirectly on claim 96, and is believed to be allowable for the reasons provided with respect to claim 96. Additionally, Applicant is unable to find, in any of Keilman, Cox and Dreschel, a fair suggestion to combine the references to provide the system of claim 116.

Applicant respectfully requests reconsideration and allowance of claims 71 and 116.

Claims 23-30, 49-53, 62, 69 and 76-78

Claims 23-30, 49-53, 62, 69 and 76-78 were rejected under 35 USC § 103(a) as being unpatentable over Keilman et al. (U.S. Patent No. 6,231,516). Applicant respectfully traverses the rejection for as least the following reasons.

As stated above with respect to independent claims 1 and 54, Applicant respectfully asserts that Keilman does not disclose the recited subject matter. Claims 23-30 and 49-53 depend either directly or indirectly on claim 1, and are believed to be allowable for the reasons provided with respect to claim 1. Claims 62, 69 and 76-78 depend either directly or indirectly on claim 54, and are believed to be allowable for the reasons provided with respect to claim 54.

The Office Action states: "It would have been obvious to use the electro-erodible coating since without such the drug would release too quickly." Since all the elements of these claims are not found in the reference, Applicant assumes that the Examiner is taking official notice of the missing elements. Applicant respectfully traverses this official notice, and requests the Examiner to either provide a reference that describes such an element or provide an affidavit pursuant to 37 C.F.R. §1.104(d)(2) if the Examiner is relying on personal knowledge.

Applicant respectfully requests reconsideration and allowance of claims 23-30, 49-53, 62, 69 and 76-78.

Reservation of the Right to Swear Behind References

Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ADAM W. CATES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6960

Date 12-22-04

By Marvin L. Beekman
Marvin L. Beekman
Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of December, 2004.

Paula Suomy
Name

Paula Suomy
Signature